IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.1152 of 2007
[G.S. Wankhade Vs. Late Meerabai Pethe Edn. Society & another]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. V.A. Kothale, Advocate for the petitioner.
Mr. Anand Parchure, Advocate for Respondent No. 1.
Mr. Kothari, AGP for Respondent No.2.

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 29th October,2007.

1. Heard.

2. The petition consists of three prayers, namely :-

[a] a challenge to the order of suspension,

[b] to pay the petitioner unpaid salary for October, 2006 until he was actually suspended, and

[c] to pay Suspension Allowance.

3. There is no dispute on the point that the enquiry is completed, the petitioner has

been removed from employment and he has already preferred an appeal. The suspension has, thus, merged into removal.

4. In so far as payment of Suspension Allowance is concerned, the respondent no.1 has raised a factual dispute as to petitioner being away from headquarter during the period of suspension. This claim is disputed by employer, however, learned Advocate Mr. Parchure, who appears for respondent no.1, states that the Management will examine the issue and take a sympathetic view of the matter and take appropriate steps.

5. In so far as the aspect of non-payment of salary for the month of October, 2006 till the petitioner was suspended is concerned, we see no reason as to why the pay bill shall not be considered by Competent Authority.

6. The respondent no.1 shall take necessary co-operation for re-submission of salary bills, or for whatever steps are required to be taken. We, therefore, direct the Education Officer to once again scrutinize the Pay-Bills for the salary of petitioner for the period in question and take a decision according to law. The decision be taken by the Education Officer/Pay Unit within three months from today.

7. Petition is, therefore, disposed of with above directions.

Judge **Judge**

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